

rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Stratford et al. (WO 00/28920) (hereinafter “Stratford”). Claims 1-22 and 28-35 also stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stratford in view of Storch. Furthermore, Claims 1-22, 28-35, and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stratford and Koulak et al. (U.S. Patent No. 6,270,788) (hereinafter “Koulak”).

Response to claim rejections

As discussed during the personal Interview with the Examiner, Applicants note that none of the cited references Storch, Stratford, or Koulak, disclose block copolymers. However, in order to advance prosecution, Applicants have amended the present claims to recite that the biologically active compound and polymer are associated with one another in the form of particles. As noted in the present specification, particles are able to be taken up by cells, such that biologically active compounds may be delivered intra-cellularly. Such particles may also be stabilized against settlement in an aqueous solution. The presently claimed composition thus retains its useful rheology, enabling it to be handled by usual liquid handling techniques, without having to be thickened or gelled to stabilize the particles against settlement.

The present amendment further distinguishes the presently claimed invention from Stratford (which discloses gels, and not particles), Koulak (which does not disclose particles), and Storch (which does not disclose particles). Accordingly, the presently claimed invention is not anticipated by or rendered obvious by the cited references.

In view of the above, Applicants respectfully request the reconsideration and withdrawal of the rejections set forth in the Office Action.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Travis B. Ribar /

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Travis B. Ribar
Registration No. 61,446

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: August 23, 2010